IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(C).No. 23753 of 2004(C)

PETITIONERS:
----

1. **ROJI JOSEPH K.J. AGED 31 YEARS,**
   S/O.K.V.JOSEPH, KRIKKOTT HOUSE, PALARIVATTOM PO,
   ERNAKULAM.

2. **MURALEEDHARAN N.P. AGED 42 YEARS,**
   S/O.KUNHANANTHAN NAIR, NEDUMPARAMBATH,
   KANNADIPOYIL P.O.BALUSSERY, KOZHIKODE.

BY ADV. SRI.M.SASINDRAN,
SRI.TOJAN J. VATHIKULAM.

RESPONDENTS:
----

1. **THE STATE OF KERALA, REP. BY THE**
   SECRETARY, DEPARTMENT OF GENERAL EDUCATION,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF HIGHER SECONDARY**
   EDUCATION, THIRUVANANTHAPURAM.

3. **THE KERALA PUBLIC SERVICE COMMISSION,**
   REP. BY ITS SECRETARY, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC,
GOVT. PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.23753/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE M.A. DEGREE CERTIFICATE OF THE P.1. ISSUED BY THE MADURAI KAMARAJ UNIVERSITY.

EXT.P.1.A: COPY OF THE M.A. DEGREE CERTIFICATE OF THE P.2. ISSUED BY THE MADURAI KAMARAJ UNIVERSITY.

EXT.P.1.B SERIES: COPY OF THE ELIGIBILITY CERTIFICATES DTD. 08/10/2001 DTD. 13/09/2001 & 30/03/2002.

EXT.P.2: COPY OF THE B.ED. CERTIFICATE OF THE P.1. ISSUED BY THE MAHATMA GANDHI UNIVERSITY.

EXT.P.2.A: COPY OF THE B.ED. CERTIFICATE OF THE P.2. ISSUED BY THE MAHATMA GANDHI UNIVERSITY.

EXT.P.3: COPY OF THE STATE ELIGIBILITY TEST CERTIFICATE ISSUED TO THE KANNUR P.1.

EXT.P.3.A: COPY OF THE STATE ELIGIBILITY TEST CERTIFICATE ISSUED TO THE KANNUR P.2.

EXT.P.4: COPY OF THE NOTIFICATON.

EXT.P.5: COPY OF THE CALL LETTER ISSUED TO THE P.1.

EXT.P.5.A: COPY OF THE CALL LETTER ISSUED TO THE P.2.

EXT.P.6: COPY OF THE MAIN LIST.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P(C)No.23753 of 2004

Dated this the 14th day of June, 2007

JUDGMENT

The writ petition is filed mainly with the following prayer:-

> (iii) Issue a writ of mandamus directing the 3rd respondent to prepare a list of sufficient number of candidates from among those participated in the written test, based on the ranking as per merit, without reference to any cut off mark or in the alternative to reduce the cut off mark prescribed so as to make available sufficient number of candidates for appointment.

In view of the decision of this court in Dr.S.Ajayan v. State of Kerala, ILR 2006(3) Kerala 641, apparently the stand of the Public Service Commission has to be reconsidered. It will be open to the petitioners to approach the Public Service Commission in case the ranked list is not already expired in which case appropriate action in the light of the above decision will be taken prior to the expiry of the ranked list.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.